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8 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13
14 UNITED STATES OF AMERICA,) No. CR 09-01168-RMW
15 Plaintiff,) STIPULATION AND []
16 v.) ORDER TO CONTINUE HEARING
17 JAMES NELSEN,)
18 Defendant.)
19 _____)

20 Defendant and the government, through their respective counsel, hereby stipulate that,
21 subject to the court's approval, the hearing date in the above-captioned matter, presently
22 scheduled for Monday, December 5, 2011, at 9:00 a.m., be continued to Monday, December 19,
23 2011, at 9:00 a.m. The continuance has been requested because counsel for the government is
24 unavailable on December 5.

25 The parties further agree and stipulate that time should be excluded from December 5,
26 2011 through and including December 19, 2011, for continuity of counsel, pursuant to Speedy
27 Trial Act, 18 U.S.C. §3161(h)(7)(A) and (B)(iv). Accordingly, the United States and the
28 defendant agree that granting the requested exclusion of time will serve the interest of justice and

1 outweigh the interest of the public and defendant in a speedy trial.

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5 DATED: November 14, 2011

MELINDA HAAG
United States Attorney

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7 _____/s/
8 JEFFREY B. SCHENK
9 Assistant United States Attorney

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11 _____/s/
12 VICKI YOUNG
13 Attorney for Defendant

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ORDER

The parties have jointly requested a continuance of the hearing set for December 5, 2011.

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date presently set for December 5, 2011 be continued to December 19, 2011 at 9:00 a.m. as well as the period of delay from December 5, 2011, to and including December 19, 2011, be excluded for purposes of Speedy Trial Act computations pursuant to 18 U.S.C. §3161.

IT IS SO ORDERED.

DATED: FF DÍ FF

Ronald M. Whyte
RONALD M. WHYTE
UNITED STATES DISTRICT JUDGE

RONALD M. WHYTE 
UNITED STATES DISTRICT JUDGE